

Notice of Allowability

Application No.

09/721,287

Examiner

Igor N. Borissov

Applicant(s)

MARSICO ET AL.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary of 06/08/2007.
2. ☒ The allowed claim(s) is/are 1,3-7,15-37,39-44 and 50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 3628

Response to Amendment

Amendment received on 05/11/2007 is acknowledged and entered. Claim 38 has been canceled. Claims 1, 3-7, 15-37, 39-45, and 50 are currently pending in the application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with an applicant's representative Gregory A. Hunt (Reg. No.: 41,085) on Monday, June 11, 2005.

During the interview the availability of the claims over the prior art of record was discussed. Agreed, that the prior art of record does not teach "determining, based on a calling party identifier in the signaling message, whether the communication initiator has previously been notified not to initiate communications with the communication recipient", and that said automatically generated complaint registration message is conducted "in response to determining that the communication initiator has been previously notified not to initiate communications with the communication recipient". Furthermore, changes to the claim language were discussed in order to clarify patentable subject matter and avoid possible issues under 35 USC 112. Finally, the Representative gave the authorization for the Examiner Amendment to thereby place the claims into condition of allowance. Accordingly, Claim Rejections under 35 USC § 103 have been withdrawn.

The application has been amended as follows:

IN THE CLAIMS

1. (Currently Amended) A method for registering complaints against communication initiators, the method comprising:
 - (a) receiving a signaling message from a communication initiator relating to a communication from the communication initiator;
 - (b) extracting a calling party identifier from the signaling message and determining whether the communication is from a communication initiator with whom an intended communication recipient does not desire to communicate;
 - (c) determining whether the communication initiator has previously been notified not to initiate communications with the intended communication recipient;
 - [[(c)]] (d) in response to determining that the communication is from a communication initiator with whom the intended communication recipient does not desire to communicate and that the communication initiator has been previously notified not to initiate communications with the intended communication recipient, automatically generating, from a user communications terminal or a service switching point (SSP), a complaint registration message identifying the communication initiator using the

calling party identifier extracted from the signaling message and transmitting the complaint registration message over a data network; wherein step (b) includes providing a complaint registration application comprising at least one of hardware and software for determining whether the communication is from a communication initiator with whom the intended communication recipient does not desire to communicate based on a trigger initiated by the intended communication recipient; and wherein step ~~[(c)]~~ (d) includes providing a complaint message generator, the complaint message generator comprising at least one of hardware and software for generating the complaint registration message in response to the determination that the communication is from a communication initiator with whom the intended communication recipient does not desire to communicate and the determination that the communication initiator has been previously notified not to initiate communications with the intended communication recipient and for transmitting the complaint registration message over the data network.

2. (Canceled)
3. (Previously Presented) The method of claim 1 wherein the communication comprises a short message service (SMS) message.
4. (Previously Presented) The method of claim 1 wherein the communication comprises a voice telephone call.
5. (Previously Presented) The method of claim 1 wherein the communication comprises a facsimile message.

6. (Previously Presented) The method of claim 1 wherein the calling party identifier extracted from the signaling message comprises a telephone number for the communication initiator.
7. (Previously Presented) The method of claim 1 wherein the signaling message comprises a mobile call signaling message and wherein the calling party identifier comprises a mobile identification number for the communication initiator.
- 8-14. (Canceled)
15. (Previously Presented) The method of claim 1 comprising, in response to receiving the signaling message, notifying the communication initiator that no further communication with the intended communication recipient is to be attempted; wherein notifying the communication initiator that no further communication with the intended communication recipient is to be attempted includes providing a recorded message buffer comprising at least one of a hardware, software, and firmware for playing a pre-recorded message to the communication initiator that no further communication with the intended communication recipient is to be attempted.
16. (Original) The method of claim 15 including notifying the communication initiator that the complaint registration message is being sent to a complaint registration database.

Art Unit: 3628

17. (Previously Presented) The method of claim 1 wherein receiving a signaling message from a communication initiator includes receiving a session initiation protocol (SIP) message at a SIP phone.
18. (Previously Presented) The method of claim 17 wherein the SIP message comprises an Invite message.
19. (Previously Presented) The method of claim 18 wherein extracting a parameter from the signaling message includes extracting a parameter from the From field of the Invite message for identifying the communication initiator.
20. (Previously Presented) A method for automatically generating a complaint registration message in response to receiving a signaling message relating to a communication from a communication initiator with whom communication is not desired, the method comprising:
at a user communications terminal associated with a communication recipient:
 - (a) receiving a signaling message from a communication initiator relating to a communication from the initiator;
 - (b) determining, based on a calling party identifier in the signaling message, whether the communication initiator has previously been notified not to initiate communications with the communication recipient; and

(c) in response to determining that the communication initiator has been previously notified not to initiate communications with the communication recipient, automatically generating, based on the signaling message, a complaint registration message including the calling party identifier and transmitting the complaint registration message over a data network;

wherein step (b) includes providing a blocking table listing calling party identifiers of communication initiators who have been previously notified not to initiate communications with the communication recipient and a complaint registration application comprising at least one of hardware and software residing on the user communications terminal for determining whether the communication initiator has been previously notified not to initiate communications with the communication recipient based on the presence of the calling party identifier in the blocking table; and

wherein step (c) includes providing a complaint message generator comprising at least one of hardware and software residing on the user communications terminal for automatically generating the complaint registration message in response to the determination that the communication initiator has been previously notified not to initiate communications with the communication recipient and transmitting the complaint registration message over the data network.

21. (Withdrawn) The method of claim 20 comprising, at a complaint registration server, receiving the complaint registration message, performing a lookup in a complaint registration database using the identifying information from the complaint registration message to determine whether the communication initiator is a repeat offender.
22. (Withdrawn) The method of claim 21 comprising, at the complaint registration server, in response to determining that the communication initiator is a repeat offender, generating a violation message and transmitting the violation message to an enforcement authority.
23. (Previously Presented) The method of claim 20 wherein receiving a signaling message at a communication recipient terminal includes receiving a session initiation protocol (SIP) message at a SIP phone.
24. (Original) The method of claim 23 wherein generating the complaint registration message comprises generating the complaint registration message at the SIP phone.
25. (Previously Presented) The method of claim 23 wherein the SIP message comprises an Invite message and the parameter is a calling party identifier in a From field of the Invite message.
26. (Currently Amended) A system for registering a complaint against a communications initiator, the system comprising:
 - (a) a communications terminal adapted to receive communications and signaling messages associated with the communications from

communications initiators, wherein the communications terminal is adapted to determine whether the communication is from a communications initiator with whom an intended communication recipient does not desire to communicate and whether the communications initiator has been previously notified not to initiate communications with the intended communication recipient, and wherein, in response to determining that the communication is from a communications initiator with whom an intended communication recipient does not desire to communicate and that the communications initiator has been previously notified not to initiate communications with the intended communication recipient, the communication terminal is adapted to generate and forward a complaint registration message over a data network, the complaint registration message including information extracted from one of the signaling messages for identifying the communications initiator; and

- (b) a complaint registration server operatively associated with the communications terminal for receiving and processing the complaint registration message;

wherein the communications terminal includes a complaint registration application comprising at least one of hardware and software for determining whether the communication is from a communications initiator

with whom an intended communication recipient does not desire to communicate; and

wherein the communication terminal further includes a complaint message generator comprising at least one of hardware and software for automatically generating the complaint registration message and forwarding the complaint registration message over the data network.

27. (Previously Presented) The system of claim 26 wherein the communication terminal comprises a session initiation protocol (SIP)-capable phone.
28. (Previously Presented) The system of claim 26 wherein the communications terminal comprises a personal computer.
29. (Original) The system of claim 26 wherein the complaint registration message is based on information contained in a calling party call setup signaling message.
30. (Previously Presented) The system of claim 26 wherein the complaint registration message comprises a SIP message.
31. (Previously Presented) The system of claim 26 wherein the complaint registration server is adapted to generate a violation notification message.
32. (Previously Presented) The system of claim 31 wherein the complaint registration server is adapted to send the violation notification message to a third party.

Art Unit: 3628

33. (Original) The system of claim 32 wherein the third party is a government agency.
34. (Previously Presented) The system of claim 26 wherein the complaint message generator is adapted to generate a complaint registration message in response to a trigger initiated by the intended communication recipient.
35. (Previously Presented) The system of claim 26 wherein the communications terminal includes a call blocking database that is adapted to store identification information related to a calling party that has been notified that communication with the intended communication recipient is not desired.
36. (Previously Presented) The system of claim 35 wherein the complaint message generator is adapted to generate the complaint registration message automatically in response to determining that an entry exists for the calling party in the call blocking database.
37. (Previously Presented) The method of claim 1 wherein receiving a signaling message includes receiving an IP telephony call signaling message.
38. (Canceled)
39. (Previously Presented) The method of claim 20 wherein receiving a signaling message includes receiving an IP telephony call signaling message.

40. (Withdrawn) The method of claim 21 wherein transmitting the complaint registration message over a data network includes sending the message to a complaint registration server storing previously-registered complaints indexed by at least one of called and calling party identifiers.
41. (Previously Presented) The system of claim 26 wherein the communications terminal comprises an IP telephony communications terminal.
42. (Previously Presented) The system of claim 26 wherein the complaint registration server is adapted to store previously registered complaints indexed by at least one of called and calling party identification information.
43. (Currently Amended) The method of claim 1 wherein step ~~(e)~~ (d) is performed by the communications terminal.
44. (Currently Amended) The method of claim 1 wherein step ~~(e)~~ (d) is performed by the SSP.
- 45-49. (Canceled)
50. (Currently Amended) A method for automatically registering complaints against communication initiators, the method comprising:
 - (a) receiving a signaling message from a communication initiator relating to a communication from the communication initiator;
 - (b) extracting a calling party identifier from the signaling message and determining whether the communication is from a communication

initiator with whom an intended communication recipient does not desire to communicate and whether the communication initiator has been previously notified not to initiate communications with the intended communication recipient; and

- (c) in response to determining that the communication is from a communication initiator with whom the intended communication recipient does not desire to communicate and that the communication initiator has been previously notified not to initiate communications with the intended communication recipient, automatically generating, from a user communications terminal or a service switching point (SSP), a complaint registration message identifying the communication initiator using the calling party identifier extracted from the signaling message and transmitting the complaint registration message over a data network;

wherein step (b) includes storing a blocking table including calling party identifiers identifying calling parties with whom the intended communication recipient does not desire to communicate and providing a complaint registration application comprising at least one of hardware and software for accessing the blocking table using the calling party identifier extracted from the signaling message to determine whether the communication is from a communication initiator with whom the intended communication recipient does not desire to communicate; and

wherein step (c) includes providing a complaint message generator comprising at least one of hardware and software for generating the complaint registration message in response to the determination that the communication is from a communication initiator with whom the intended communication recipient does not desire to communicate and that the communication initiator has been previously notified not to initiate communications with the intended communication recipient, and for transmitting the complaint registration message over a data network.

Allowable Subject Matter

Claims 1, 3-7, 15-20, 23-37, 39, 41-45, and 50 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 1, 20, 26 and 50, the best prior art, Mukherjee et al. (US 6,449,474) teaches a computer implemented method and system for providing call interception, comprising: receiving an incoming call signaling message from a communication initiator; identifying (extracting a parameter) from the call signaling message and determining whether the communication is from a communication initiator with whom communication is not desired (intercepting the call from a malicious caller) (a complaint registration application); in response to determining that the communication is from a communication initiator with whom communication is not desired, automatically generating call intercept information/message, connecting to a law enforcing agency computer over a network using TCP/IP protocol, and transmitting said information/message to law enforcing agency.

However, Mukherjee et al. fails to teach or fairly suggest "determining, based on a calling party identifier in the signaling message, whether the communication initiator has previously been notified not to initiate communications with the communication recipient", and that said automatically generated complaint registration message is conducted "in response to determining that the communication initiator has been previously notified not to initiate communications with the communication recipient".

The best foreign art, Paul (WO 99/37066), while teaching an arrangement for eliminating unsolicited electronic mail employing data identification matching technique, fails to teach or fairly suggest "determining, based on a calling party identifier in the signaling message, whether the communication initiator has previously been notified not to initiate communications with the communication recipient", and that said automatically generated complaint registration message is conducted "in response to determining that the communication initiator has been previously notified not to initiate communications with the communication recipient".

The best NPL prior art, Adcomplain – a Tool for Reporting Inappropriate Postings/E-mail, while disclosing automatically preparing a complaint message in response to receiving unwanted mail, fails to teach or fairly suggest "determining, based on a calling party identifier in the signaling message, whether the communication initiator has previously been notified not to initiate communications with the communication recipient", and that said automatically generated complaint registration message is conducted "in response to determining that the communication initiator has been previously notified not to initiate communications with the communication recipient".

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claims.

Art Unit: 3628

Rejoinder

Elected Invention Allowable, Rejoinder of All Previously Withdrawn Claims

Claim 20 is allowable. Claims 10-14, 21, 22, and 40, are previously cancelled or withdrawn from consideration as a result of a restriction requirement, include all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement as set forth in the Office action mailed on 08/18/2006, is hereby withdrawn and claims 10-14, 21, 22, 40 and 40 hereby rejoined an fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Pursuant to the procedures set forth in MPEP § 821.04(a), claims 46-49 stand withdrawn as not in required form. Claims 46-49 are withdrawn from further consideration because does not require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141.

Once a restriction requirement is withdrawn, the provisions of 35 USC 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 821.01.

Therefore, **Claims 1, 3-7, 10-37, 39-45, and 50 are allowed.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

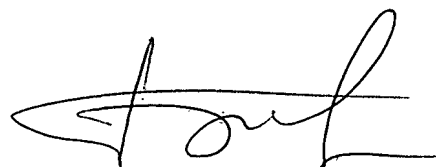
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/13/2007



IGOR N. BORISSOV
PRIMARY EXAMINER